

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEVEN KOGHAN,
Plaintiff,

v.

ULRS, INC. dba CREDIT COLLECTION
BUREAU & UNITED LEGAL GROUP,
Defendant.

Case No. [5:16-cv-06130-HRL](#)

**ORDER CONDITIONALLY
GRANTING ATTORNEY MOTION TO
WITHDRAW**

Re: Dkt. No. 18

Plaintiff Steven Koghan sues for alleged violation of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* and the California Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.* Attorney Trinette G. Kent now moves for permission to withdraw as plaintiff's counsel of record. Kent avers that Koghan was advised by certified letter dated March 15, 2017 of her intent to move to withdraw and that a copy of all motion papers would be served on plaintiff at his last known address. (Dkt. 18-2, Kent Decl. ¶¶ 6-7). Additionally, Kent represents that defendant does not oppose the present motion. (*Id.* ¶ 5). The court has received no objections or oppositions to the motion, and briefing on this matter is closed. The motion is deemed suitable for determination without oral argument, and the May 2, 2017 hearing is vacated. Civ. L.R. 71-(b). Upon consideration of the moving papers, the court conditionally grants the motion as follows:

“Counsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case.” Civ. L.R. 11-5(a). “In the Northern District of California, the conduct of counsel is governed by the standards of professional conduct required of members of the State Bar of California, including the Rules of Professional Conduct of the State Bar of California.” *Hill Design Group v. Wang*, No. C04-521 JF (RS), 2006 WL 3591206 at *4 (N.D. Cal., Dec. 11, 2006) (citing *Elan Transdermal Limited v. Cygnus Therapeutic Systems*, 809 F. Supp. 1383, 1387 (N.D. Cal.1992)). Those standards provide that an attorney may seek permission to withdraw if, among other things, the client’s conduct renders it unreasonably difficult for the attorney to represent the client effectively. *Id.* (citing Cal. Rules of Professional Conduct Rule 3-700(C)(1)(d),(f)).

Kent says that despite a number of attempts to contact plaintiff, Koghan has ceased communicating with her, hampering her ability to proceed in this matter. (Kent Decl. ¶¶ 3-4). Moreover, this case is still in its early stages, no motions are pending, and discovery has not yet been served. Thus, there appears to be little or no prejudice that would result if Kent is permitted to withdraw. Finding sufficient grounds for withdrawal, the court grants the motion, **subject to the condition that papers may continue to be served on Kent for forwarding purposes, unless and until Koghan appears by other counsel or pro se.** Civ. L.R. 11-5(b).

Koghan is advised that he retains all of the obligations of a litigant. Even if he is not represented by an attorney, he must (a) meet filing and other litigation deadlines, (b) follow all court orders and applicable rules, and (c) make scheduled court appearances. The failure to do so may result in sanctions.

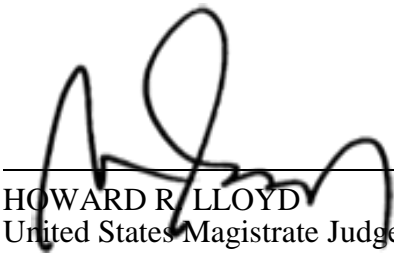
To the extent Koghan remains without legal representation or chooses to proceed without an attorney, he is encouraged to seek assistance of the Federal Pro Se Program, located in Room 2070 on the Second Floor of the Federal Courthouse in San Jose. Appointments may be made by (1) signing up in person at the Federal Pro Se Program office or at The Law Foundation of Silicon Valley, 152 N. 3rd Street, 3rd Floor, San Jose, CA; or (2) by calling 408-297-1480. To the extent he has not already done so, Koghan is also directed to obtain a copy of the court’s Handbook for Pro Se Litigants, available on the court’s website (<http://cand.uscourts.gov>) or from the Clerk’s

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Office. Kent is directed to serve a copy of this order (and all subsequent filings) on plaintiff unless and until he appears through other counsel or pro se. Kent shall remain on this docket solely for that purpose.

SO ORDERED.

Dated: April 24, 2017



HOWARD R. LLOYD
United States Magistrate Judge

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5:16-cv-06130-HRL Notice has been electronically mailed to:

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